

COMMUNITY AFFAIRS

Division Of Codes And Standards

Carnival-Amusement Rides

Revocation of permit, certification or approval

Proposed Amendment: N.J.A.C. 5:14A:6-2.

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 5:3-36.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-139

Submit written comments by July 14, 2006 to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows:

Summary

This proposal would make it clear that any permit issued for the operation of a carnival-amusement ride may be revoked by the Department upon a finding that the ride is actually or potentially hazardous or unsafe, or in the event of any failure or refusal of the owner of the ride to provide such engineering data or reports or other information as the Department may require, or in the event of failure to maintain, or failure or refusal to provide, maintenance records for the ride, and that any type certification or amended type certification issued to a manufacturer may be revoked if the Department determines that a ride is actually or potentially unsafe or hazardous. The Department would also be able to revoke type certification or amended type certification of a ride upon failure or refusal

of a manufacturer to issue required safety bulletins or supply requested engineering analysis. Under the proposed amendment, such failure would no longer have to be "repeated."

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment would have a positive social impact because it would eliminate any possible uncertainty as to the ability of the Department to protect the safety of carnival-amusement ride patrons.

Economic Impact

Under the proposed amendment, the Department would have clear authority to revoke the permit for the operation, and the manufacturer's type certification, if any, of any ride that may be found to be hazardous or unsafe. It also would authorize permit revocation for any ride for which the owner fails or refuses to provide such engineering data or reports as the Department may require. This may impose increased costs on those owners and manufacturers whose rides are found to be hazardous or unsafe or from whom it may be necessary for the Department to obtain engineering data or reports.

Federal Standards Statement

No Federal standards analysis is required because this amendment is not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that the proposal would result in the creation or the loss of jobs.

Agricultural Industry Impact

The proposed amendment would not impact the agricultural industry.

Regulatory Flexibility Analysis

The proposed amendment above would potentially impose reporting, recordkeeping and compliance requirements upon both those carnival-amusement ride businesses that are “small businesses”, as defined by the Regulatory Flexibility Act, in N.J.S.A. 52:14B-16 et seq., and those that are not. These requirements would include correction of safety violations and furnishing of engineering data and reports. There can be no differentiation based on size or form of organization, since the objective of the proposal is the protection of public safety. Affected businesses would require the services of engineers in order to provide any necessary engineering data or reports.

Smart Growth Impact

Due to the subject matter of this proposal, the Department does not expect that it would have any impact upon either achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:14A-6.2 Revocation of carnival-amusement ride permit, certification or approval

(a) Any owner may have his or her amusement ride permit or individual approval revoked for:

1. - 5. (No change.)

6. Continuing to operate an amusement ride after having been

notified by the Department that the ride has been determined by the Department to be unsafe or hazardous, or potentially unsafe or hazardous;

7. Failure or refusal to comply with an order to provide to the Department any engineering data or report or other information concerning the ride that may be required by the Department;

8. Failure to maintain, or failure or refusal to provide, records concerning the maintenance of the ride that may be required by the Department;

(Renumber 6.- 7. as 9.-10.)

(b) (No change.)

(c) Any manufacturer may have a type certification or amended type certification revoked for:

1. (No change.)

2. [Repeated failure] Failure or refusal to issue safety bulletins required by the Department;

3. [Repeated failure] Failure or refusal to supply requested engineering analyses;

4. The determination by the Department that the ride for which the type certification or amended type certification was issued is unsafe or hazardous, or potentially unsafe or hazardous;

(Renumber 4.- 5. as 5.- 6.)

(d) (No change.)